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8 Attorneys for Allstate Insurance Company
(erroneously sued as "Allstate Property
9 and Casualty Insurance Company")

10 UNITED STATES DISTRICT COURT

11 CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION

12 MATTHEW POTURICH AND
13 TERESA POTURICH,

14 Plaintiffs,

15 v.

16 ALLSTATE INSURANCE
17 COMPANY, ALLSTATE PROPERTY
AND CASUALTY INSURANCE
18 COMPANY, and DOES 1 through 50,
inclusive,

19 Defendants.

Case No. 5:15-cv-00081-GW-KKx

The Hon. Kenly Kiya Kato
Courtroom 3/4 Third Floor

**ALLSTATE'S NOTICE OF
MOTION AND MOTION TO
COMPEL QUALITY SHEDS, INC.
TO COMPLY WITH SUBPOENA
AND SHOW CAUSE ORDER**

Date: August 20, 2015
Time: 10:00 a.m.
Dept.: Courtroom 3/4

Complaint Filed: December 12, 2014
Trial Date: TBD

1 **TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on August 20, 2015, at 10:00 a.m., or as soon
3 thereafter as this matter may be heard in Courtroom 3/4 Third Floor of the above-
4 captioned court, located at 3470 Twelfth Street, Riverside, CA 92501, defendant
5 Allstate Insurance Company ("Allstate") will and hereby does move the Court to
6 order the following:

7 (1) Quality Sheds has waived all objections to Allstate's subpoena;

8 (2) Quality Sheds must produce documents responsive to Allstate's
9 subpoena without objections within 20 days of the Court's order;

10 (3) Under Rule 45(g), that Quality Sheds show cause why a contempt
11 citation should not be issued against it; and

12 (4) Quality Sheds and plaintiffs' counsel should be sanctioned \$2,960 for
13 Allstate's costs to bring this motion and failing to comply with local rules.

14 This Motion is made pursuant to Federal Rules of Civil Procedure Rules 37
15 and 45, on the basis that Quality Sheds has failed to respond to Allstate's subpoena
16 and plaintiffs' counsel failed to cooperate in meet and confer efforts required by
17 local rules. Consequently, Allstate requests that this Court order the following:

18 (1) Quality Sheds has waived all objections to Allstate's subpoena;

19 (2) Quality Sheds must produce documents responsive to Allstate's
20 subpoena without objections within 20 days of the Court's order;

21 (3) Under Rule 45(g), that Quality Sheds show cause why a contempt
22 citation should not be issued against it; and

23 (4) Quality Sheds and plaintiffs' counsel should be sanctioned \$2,960 for
24 Allstate's costs to bring this motion and failing to comply with local rules.

25 **Local Rule 37-2 Meet and Confer Efforts:**

26 Pursuant to Local Rule 37-1, Allstate has attempted to contact Quality Sheds
27 and plaintiffs' counsel on multiple occasions to meet and confer regarding this
28 discovery dispute. Plaintiffs' counsel represented that she would provide Quality

1 Sheds' responsive documents but then failed to produce any documents and ignored
2 Allstate's attempts to file a joint stipulation pursuant to Local Rule 37-2.2. (*See*
3 Declaration of Christina Ding ¶¶ 3-14, attached hereto.)

4 The Motion is based on this Notice of Motion and Motion, the attached
5 Memorandum of Points and Authorities, the attached Declaration of Christina Ding
6 filed concurrently herewith, the attached Exhibits, the pleadings and records on file
7 in this action, other matters of which the Court may take judicial notice, and such
8 matters as may be presented at the hearing on the Motion.

9
10 Dated: July 22, 2015

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

11
12 By s/ Christina Ding
13 CHRISTINA DING

14 Attorneys for Allstate Insurance Company
15 (erroneously sued also as Allstate Property and
16 Casualty Insurance Company)
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